



STATE OF DELAWARE
DEPARTMENT OF JUSTICE



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PLEASE REPLY TO:

January 4, 2006

[New Castle County-Civil Division]

The Honorable Sue L. Robinson
 United States District Court
 844 N. King Street
 Wilmington, DE 19801

Re: Lindsey v. Rispoli, et al.
C.A. No. 04-1383-SLR

Dear Judge Robinson:

This is to advise the Court that Plaintiff and the State Defendants have voluntarily agreed to dismiss the above-referenced action.

Therefore, State Defendants hereby withdraw their pending Motion for Summary Judgment, filed December 29, 2005. The fully executed Stipulation of Dismissal will be filed separately.

I am available if the Court requires further information.

Respectfully,

/s/ Eileen Kelly

Eileen Kelly
 Deputy Attorney General

cc: Gerron Maurice Lindsey
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